



09/600660

1103326-0630

cpl

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Patent No. : 7,354,895 B1
Issued : April 8, 2008
Patentees : Linschoten et al.
Title of Invention : PHOSPHINYLOXY, OXIME AND CARBOXYLIC ACID
DERIVATIVES WHICH ARE USEFUL AS
CARBOXYPEPTIDASE U INHIBITORS

Certificate of Mailing Under 37 C.F.R. § 1.8	
I hereby certify that this paper is being deposited with the United States Postal Service as first class mail on the date indicated below in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450	
Richard J. Sterner	35,372
Agent Name	PTO Reg. No.
<i>Richard J. Sterner</i>	October 6, 2008
Signature	Date of Signature

Certificate
OCT 16 2008
of Correction

Certificate of Correction Branch
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

REQUEST FOR CERTIFICATE OF CORRECTION OF PATENT
FOR PTO MISTAKE (37 C.F.R. §1.322(a))

1. It is noted that printing errors appear in the referenced patent which are attributable to the Office.
2. The location of the errors in the issued patent and the exact pages and line numbers where the errors are shown correctly in the application file are:

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Column and Line Number of Issued Patent	Location in Application File Where the Error is Shown Correctly
<u>Claim 1, col. 31, line 51; claim 2, col. 32, line 21; claim 3, col. 32, line 33; claim 4, col. 32, line 59; claim 8, col. 33, line 32; and claim 9, col. 34, line 2: in each instance, delete "or solvate".</u>	Examiner's Amendment, page 2 of the Notice of Allowability mailed November 30, 2007 and the accompanying Examiner-Initiated Interview Summary.
<u>Claim 3, col. 32, line 38: "guanidine" should read --guanidino--.</u>	Claim 27 as added in Patentees' June 29, 2005 Amendment and Response, page 7.

3. All of the errors listed in the table above are attributable to the Office. With regard to the six instances of erroneous presence of the phrase "or solvate" in the claims, the undersigned agreed in a September 11, 2007 telephone interview to the Examiner's proposal that all instances of recitation of solvates be removed from the claims. This is corroborated in the Examiner's Amendment and the Examiner-Initiated Interview Summary referred to in the table above. It is due to Office error that an instance of the term "solvate" remains in each of the patented claims in question.

4. Patentees request correction of all of the printing errors by Certificate of Correction. Attached is a copy of Form PTO/SB/44 (also Form PTO-1050).

5. Please send the Certificate to the undersigned Agent.

6. In the interest of further assisting the Office in considering and processing this Request, Patentees are also providing herewith copies of the Examiner's Amendment, Interview USPTO

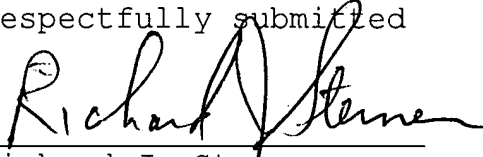
OCT 16 2008

Summary and the appropriate pages of Patentees' June 29, 2005 Amendment and Response referred to in the table above. The appropriate passages from these pages have been circled.

7. No fees should be due in connection with this communication. However, should it be determined that a fee is required for any reason, the Commissioner is hereby authorized to charge it to Deposit Account No. 23-1703.

Dated: October 6, 2008

Respectfully submitted



Richard J. Sterner
Reg. No. 35,372

Customer Number 007470
(212) 819-8200

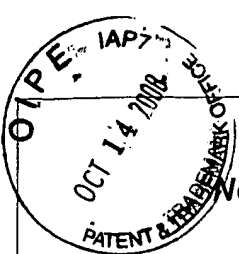
Agent's Direct Line:
(212) 819-8783

Enclosures

- 1) Notice of Allowability mailed November 30, 2007;
- 2) Examiner-Initiated Interview Summary, also mailed November 30, 2007;
- 3) Pages 1 and 7 of Patentees' June 29, 2005 Amendment and Response; and
- 4) Form PTO/SB/44 with requested corrections.

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PATENT OFFICE

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Notice of Allowability

Application No.

09/600,660

Examiner

Raymond Covington

Applicant(s)

LINSCHOTEN ET AL.

Art Unit

1625

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to 7/6/07.
2. ☒ The allowed claim(s) is/are 1,2,27-34,36-39.
3. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) ☐ All b) ☐ Some* c) ☐ None of the:
 1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.
THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
 - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.

Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

1. ☒ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☐ Information Disclosure Statements (PTO/SB/08),
Paper No./Mail Date _____
4. ☐ Examiner's Comment Regarding Requirement for Deposit of Biological Material
5. ☐ Notice of Informal Patent Application
6. ☒ Interview Summary (PTO-413),
Paper No./Mail Date 9/11/07.
7. ☒ Examiner's Amendment/Comment
8. ☐ Examiner's Statement of Reasons for Allowance
9. ☐ Other _____


JANET L. ANDRES
SUPERVISORY PATENT EXAMINER

Raymond Covington
Examiner
Art Unit: 1625

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EXAMINER'S AMENDMENT

An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Richard Sterner on 9/11/07.

The application has been amended as follows:

In claims 1, 2, 27, 28, 32 and 33 the term "solvate", "solvates" and "or solvates of such salt" have been deleted.

The above amendment was agreed to without prejudice to overcome a proposed 112 rejection.

The PTO-892 has been corrected to insert US 4849414 as the correct number for the previously cited reference.

The restriction requirement has been withdrawn and method claims 31, 33-34 and 36-39 have been rejoined.

Claim 35 has been canceled.

27-34, 36-39
Claims 1, 2 and ~~27-39~~ are allowed.

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Any inquiry concerning this communication or earlier communications from the examiner should be directed to Raymond Covington whose telephone number is (571) 272-0681. The examiner can normally be reached on M-F.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Janet Andres at telephone number (571) 272-0867.

The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

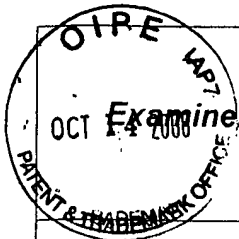
Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Janet Andres
SPE
Art Unit 1625



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Examiner-Initiated Interview Summary

Application No.	Applicant(s)	
09/600,660	LINSCHOTEN ET AL.	
Examiner	Art Unit	
Raymond Covington	1625	

All Participants:

Status of Application: pending

(1) Raymond Covington.

(3) _____

(2) Richard Sterner (app rep).

(4) _____

Date of Interview: 11 September 2007

Time: _____

Type of Interview:

- ☒ Telephonic
☐ Video Conference
☐ Personal (Copy given to: ☐ Applicant ☐ Applicant's representative)

Exhibit Shown or Demonstrated: ☐ Yes ☒ No
If Yes, provide a brief description:

Part I.

Rejection(s) discussed:
none

Claims discussed:
1,2,27,28,32,33

Prior art documents discussed:
none

Part II.

SUBSTANCE OF INTERVIEW DESCRIBING THE GENERAL NATURE OF WHAT WAS DISCUSSED:

Applicants agreed to delete from claims 1,2,27,28,32,33 references to solvates per Examiners amendment. Claims 1,2,27-34,36-39 are allowed.

Part III.

- ☒ It is not necessary for applicant to provide a separate record of the substance of the interview, since the interview directly resulted in the allowance of the application. The examiner will provide a written summary of the substance of the interview in the Notice of Allowability.
- ☒ It is not necessary for applicant to provide a separate record of the substance of the interview, since the interview did not result in resolution of all issues. A brief summary by the examiner appears in Part II above.

NOTED USPTO
OCT 14 2008

Raymond Covington
(Examiner/SPE Signature)

(Applicant/Applicant's Representative Signature – if appropriate)



1103326-0630

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants : Linschoten et al.
Serial No. : 09/600,660
Filed : July 20, 2000
For : PHOSPHINYLOXY, OXIME AND CARBOXYLIC ACID
DERIVATIVES WHICH ARE USEFUL AS
CARBOXYPEPTIDASE U INHIBITORS
Examiner : R. Covington
Group Art Unit : 1625

CERTIFICATE OF TRANSMISSION UNDER 37 C.F.R. §1.8	
I hereby certify that this paper is being facsimile transmitted to the United States Patent and Trademark Office on the date indicated below at the facsimile number <u>703-872-9306</u> .	
Richard J. Sterner Agent Name	35,372 PTO Reg. No.
<i>Richard J. Sterner</i> Signature	June 29, 2005 Date of Signature

Attention: Examiner R. Covington

Art Unit: 1625

Facsimile No.: 703-872-9306

No. of Pages: 19

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

AMENDMENT AND RESPONSE

Sir:

This is submitted in response to the nonfinal Office Action mailed January 13, 2005 and as a follow-up to the June 3, 2005 telephone discussion between the Examiner and the

OCT 16 2008

Y is O or ~~C(Z)~~₂; and

Z is independently H or C₁-C₆ alkyl.

3-26. (cancelled)

27. (new) The compound according to claim 1 or a pharmaceutically acceptable salt or solvate thereof, or a solvate of such a salt, wherein:

R₆ is optionally substituted by one or more selected from the group consisting of acyl, acylamino, C₁-C₆ alkyl, alkylcarbamoyl, alkylthio, alkoxy, aroyl, aroylamino, aryloxy, arylthio, amidino, amino, aryl, carbamoyl, carboxy, cyano, cycloalkyl, formyl, guanidino, halogen, hydroxy, oxo, nitro, thio, Z₂N-CO-O-, ZO-CO-NZ- and Z₂N-CO-NZ-;

in which said C₁-C₆ alkyl, cycloalkyl, and aryl are each optionally substituted by one or more selected from the group consisting of acyl, acylamino, C₁-C₆ alkyl, alkylcarbamoyl, alkylthio, alkoxy, aroyl, aroylamino, aryloxy, arylthio, amidino, amino, aryl, carbamoyl, carboxy, cyano, cycloalkyl, formyl, guanidino, halogen, hydroxy, oxo, nitro, thio, Z₂N-CO-O-, ZO-CO-NZ- and Z₂N-CO-NZ-; and

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UNITED STATES PATENT AND TRADEMARK OFFICE CERTIFICATE OF CORRECTION

Page 1 of 1

PATENT NO. : 7,354,895 B1
SERIAL NO.: 09/600,660
ISSUE DATE: : April 8, 2008
INVENTOR(S) : Linschoten et al.

Claim 1, col. 31, line 51; claim 2, col. 32, line 21;
claim 3, col. 32, line 33; claim 4, col. 32, line 59;
claim 8, col. 33, line 32; and claim 9, col. 34, line 2:
in each instance, delete "or solvate".

Claim 3, col. 32, line 38: "guanidine" should read
--guanidino--.

MAILING ADDRESS OF SENDER (Please do not use customer number below):

Richard J. Sterner, White & Case LLP
1155 Avenue of the Americas
New York, New York 10036

OCT 16 2003

This collection of information is required by 37 CFR 1.322, 1.323, and 1.324. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 1.0 hour to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. **SEND TO: Attention Certificate of Corrections Branch, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.**

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.